

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THEATRICAL DRIVERS AND HELPERS  
LOCAL UNION NO. 817 INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS,

Plaintiff,

-v-

BNM PRODUCTION SERVICES, INC.,  
*doing business as* “RICKY RUSH,”

Defendant.

20 Civ. 791 (PAE)


ORDER

PAUL A. ENGELMAYER, District Judge:

Plaintiff filed the petition to confirm an arbitral award in this action on January 29, 2020. Dkt. 1. Section 9 of the Federal Arbitration Act (“FAA”) requires that, when a party applies for an order confirming an arbitral award, “[n]otice of the application shall be served upon the adverse party.” 9 U.S.C. § 9. Only after such service is effected does the Court have jurisdiction over the matter. *Id.* The FAA does not provide a deadline for serving a petition to confirm, but Rule 4(m) of the Federal Rules of Civil Procedure requires that service be effected within 90 days of the filing of a complaint. Plaintiff here has attempted to serve the defendant, but has been unsuccessful thus far. *See* Dkts. 7, 11.

It is hereby ORDERED that the plaintiff advise the Court in writing why plaintiff failed to serve the petition, or, if plaintiff believes that the defendant has been served, when and in what manner such service was made. It is further ORDERED that if the Court does not receive any written communication from plaintiff by **January 25, 2021**, showing good cause why such service was not made, the Court will dismiss the claims against defendant without prejudice.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: January 15, 2021  
New York, New York